

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BERNARD ROBINSON

16CV 9633

(In the space above enter the full name(s) of the plaintiff(s).)

-against-

The City of New York, etal
Lawrence Byrne, Evan Gluck, and
New York City Police Department

COMPLAINT

under the
Civil Rights Act, 42 U.S.C. § 1983
(Prisoner Complaint)

Jury Trial: ☒ Yes ☐ No
(check one)

(In the space above enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Part I. Addresses should not be included here.)

RECEIVED
SDNY PRO SE OFFICE
2016 DEC 13 PM 1:30
S.D. OF N.Y.

I. Parties in this complaint:

A. List your name, identification number, and the name and address of your current place of confinement. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff Name Bernard Robinson 255 W 43rd Apt 128
ID # NYC-NY-10036
Current Institution 11-11 Hazen St.
Address 11-11 Hazen St.
Brooklyn New York 11238

B. List all defendants' names, positions, places of employment, and the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant No. 1 Name The City of New York Shield # _____
Where Currently Employed _____
Address _____

Defendant No. 2 Name Lawrence Byrne Shield # _____
 Where Currently Employed Deputy Commissioner
 Address 2 Lafayette Street, 5th Floor
New York, NY 10007-1307

Defendant No. 3 Name Evan Gluck Shield # _____
 Where Currently Employed Attorney for Deputy Commissioner
 Address 2 Lafayette Street, 5th. Floor
New York, NY 10007-1307

Defendant No. 4 Name New York City police Dept. Shield # _____
 Where Currently Employed 1 Police Plaza
 Address 1 Police plaza
New York, NY 10013

Defendant No. 5 Name _____ Shield # _____
 Where Currently Employed _____
 Address _____

II. Statement of Claim:

State as briefly as possible the facts of your case. Describe how each of the defendants named in the caption of this complaint is involved in this action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

- A. In what institution did the events giving rise to your claim(s) occur?
claims did not occur in an institution. I was notified
of Civil Proceedings against me while in RNDC.
- B. Where in the institution did the events giving rise to your claim(s) occur?
N/A
- C. What date and approximate time did the events giving rise to your claim(s) occur?
N/A

D. Facts: On April , 2016 I was arrested and charged with Criminal possession of a controlled substance amongst other things and bail was set at \$30,000. I am currently being held at the facility noted. On or around October 18, 2016, I was served an order to show cause and supporting papers (herein attached and marked Exhibit "A") which notified me that the City of New York was seeking to "close your apartment" due to failure to abide by the terms of the Stipulation Agreement that I entered into with the city on July 30, 2013. Said Stipulation Agreement was set for a two (2) years per old, a two year period in which Plaintiff lived and remained at the residence without incident. At some point, without Plaintiff's knowledge or consent, the Stipulation Agreement was somehow unlawfully extended beyond the agreed upon two year period. This is one of several reasons why the aforementioned Stipulation Agreement, the City's Nuisance Abatement Laws and the City's forfeiture Laws and the targeted use of them are being called into question and herein claimed unconstitutional. (see attached)

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What happened to you?

Who did what?

Was anyone else involved?

Who else saw what happened?

III. Injuries:

If you sustained injuries related to the events alleged above, describe them and state what medical treatment, if any, you required and received. I was forced to divert my attention from defending myself against my criminal charges and other pending legal matters to defend myself (Pro Se) against the City's Order to Show Cause proceeding. I have also suffered with anxiety, loss of sleep, hypertension and serious depression as a result of worry and concern over becoming homeless on top of everything else. Mental health records and medical records will confirm my health concerns.

IV. Exhaustion of Administrative Remedies:

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted." Administrative remedies are also known as grievance procedures.

A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

Yes ___ No ☒

If YES, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s). N/A

B. Does the jail, prison or other correctional facility where your claim(s) arose have a grievance procedure?

Yes ☐ No ☐ Do Not Know ☐ N/A

C. Does the grievance procedure at the jail, prison or other correctional facility where your claim(s) arose cover some or all of your claim(s)?

Yes ☐ No ☐ Do Not Know ☐ N/A

If YES, which claim(s)? _____

D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose?

Yes ☐ No ☐ N/A

If NO, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

Yes ☐ No ☐ N/A

E. If you did file a grievance, about the events described in this complaint, where did you file the grievance? N/A

1. Which claim(s) in this complaint did you grieve? N/A

2. What was the result, if any? N/A

3. What steps, if any, did you take to appeal that decision? Describe all efforts to appeal to the highest level of the grievance process. N/A

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here: N/A

2. If you did not file a grievance but informed any officials of your claim, state who you informed,

when and how, and their response, if any: N/A

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies. N/A

Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.

V. Relief:

State what you want the Court to do for you (including the amount of monetary compensation, if any, that you are seeking and the basis for such amount). (1) Declare New York City's Civil forfeiture laws, Stipulation Agreements and Nuisance Abatement Laws is/was unconstitutional in the manner in which they are regularly being applied and enforced upon minorities and people of color. (2) Find that through review of the proofs, the Court determines that the target of the tactics used by defendants were almost exclusively focused on minorities and people of color. (3) Grant Class Status. (4) Grant a Jury Trial.
Monetary Relief Sought: ONE MILLION DOLARS

VI. Previous lawsuits:

On
these
claims

A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

Yes _____ No ✓

- B. If your answer to A is YES, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another sheet of paper, using the same format.)

1. Parties to the previous lawsuit: N/A

Plaintiff _____

Defendants _____

2. Court (if federal court, name the district; if state court, name the county) _____

3. Docket or Index number _____

4. Name of Judge assigned to your case _____

5. Approximate date of filing lawsuit _____

6. Is the case still pending? Yes _____ No _____

If NO, give the approximate date of disposition _____

7. What was the result of the case? (For example: Was the case dismissed? Was there judgment in your favor? Was the case appealed?) _____

On
other
claims

- C. Have you filed other lawsuits in state or federal court otherwise relating to your imprisonment?

Yes _____ No ☒

- D. If your answer to C is YES, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same format.)

1. Parties to the previous lawsuit: N/A

Plaintiff _____

Defendants _____

2. Court (if federal court, name the district; if state court, name the county) _____

3. Docket or Index number _____

4. Name of Judge assigned to your case _____

5. Approximate date of filing lawsuit _____

6. Is the case still pending? Yes _____ No _____

If NO, give the approximate date of disposition _____

7. What was the result of the case? (For example: Was the case dismissed? Was there judgment in your favor? Was the case appealed?) _____

I declare under penalty of perjury that the foregoing is true and correct.

Signed this ____ day of _____, 20__.

Signature of Plaintiff

Inmate Number

Institution Address

Note: All plaintiffs named in the caption of the complaint must date and sign the complaint and provide their inmate numbers and addresses.

I declare under penalty of perjury that on this ____ day of _____, 20__, I am delivering this complaint to prison authorities to be mailed to the *Pro Se* Office of the United States District Court for the Southern District of New York.

Signature of Plaintiff:

Bernard Robinson